IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 1-10-2007

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.No.6570 of 2007
and
MP Nos.1 and 2 of 2007

D.Mathiazhagan .. Petitioner

vs

1.The Commissioner
Tambaram Municipality
Tambaram
Chennai
2.The Commissioner of Municipal
Administration
Chepauk, Chennai 5.
3.The Regional Director of Municipal
Administration
Chengalpattu Region
Chengalpattu
4.V.K.Palanivel .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records leading to pass the impugned order passed by the first respondent in Na.Ka.En.495/2007/E1 dated 7.2.2007 and quash the same and consequently direct the respondents 1 to 3 to approve the petitioner as qualified plumber.

For Petitioner : Mr.C.Jagadish
For Respondents : Mr.Hajee P.K.Jamal Mohamed for R1
Mr.R.Jothimanian Additional Government Pleader for RR2 & 3
Mr.V.Subbarayan for R4

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ORDER

The petitioner seeks a writ of certiorarified mandamus to quash the order of the first respondent made in Na.Ka.En.495/2007/E1 dated 7.2.2007, and to direct the respondents 1 to 3 to approve the petitioner as qualified plumber.

2.The affidavit in support of the petition and the counter affidavit by the first respondent are perused. The Court heard the learned Counsel for the petitioner, learned Additional Government Pleader for the respondents 2 and 3 and the learned Counsel for the respondents 1 and 4.

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3.The only grievance of the petitioner is the rejection of his representation dated 14.12.2006, despite the orders of this Court in WP No.801 of 2007, wherein a direction was given to the first respondent municipality to consider his application within a period of three weeks for the approval the petitioner as qualified plumber.

4.The case of the petitioner in short is that he had got sufficient experience, since he had worked under different municipalities as plumber; that as per G.O.(D) No.523 Municipal Administration and Water Supply Department dated 19.9.1995, the works for giving water tap connections will be allotted only to the certified qualified plumbers; that he is fully qualified as per the said G.O.; that the Madhavaram Municipality has given work orders to the fourth respondent being the approved qualified plumber; that the petitioner has made an application that he was so experienced, and he has to be given the benefit of G.O.523, but not done so; that under the circumstances, he filed a writ petition before this Court, wherein a direction was given to the Municipality consider the same within a period of three weeks therefrom, but not done so; that while the benefit under G.O.523 is given to the fourth respondent who is also on the same footing, the rejection of the application of the petitioner dated 14.12.2006, is neither correct nor proper, and hence, the orders of rejection have got to be set aside.

5.It is represented by the learned Counsel for the first respondent that it is true that an application was made by the petitioner on 14.12.2006; that there was a direction by this Court to consider the application; that a circular in Roc.No.7194/2002/WS2 was issued by the second respondent on 14.2.2006 itself, whereby the approval of the plumber by the respective Municipalities for allotting the work was actually taken away, and instead, the respective consumers could have their own plumber according to their convenience; that under the circumstances, there is no question of consideration of the application of the petitioner would arise, and hence, it was rightly rejected.

6.It is pertinent to point out that now the petitioner challenged the order of rejection made by the Municipality. In such circumstances, there is no way for the Municipality to approve the petitioner though he is a qualified plumber pursuant to the G.O.(D) No.523. Unless the petitioner has challenged the said Circular, he could not challenge the order of rejection made by the Municipality pursuant to the Circular. In such circumstances, no relief could be granted at this juncture. Hence, this writ petition fails, and the same is dismissed. No costs. Consequently, connected MPs are also dismissed.

v/

sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To:

1.The Commissioner
  Tambaram Municipality
  Tambaram
  Chennai

2.The Commissioner of Municipal
       Administration
  Chepauk,
   Chennai 5.

3.The Regional Director of Municipal
     Administration
  Chengalpattu Region
  Chengalpattu

+ 1 cc to Mr.V.Subbarayan Advocate SR.NO.61307
+ 1 cc to Govt.pleader SR.NO.61236

MS(CO)
RD 6.10.07

WP No.6570 of 2007

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